

52



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| 09/919,650 | 07/31/2001 | Peter Pius Gutberlet | 1011-57071 | 5758 |
| 24197 | 7590 | 01/13/2005 | EXAMINER | |
| KLARQUIST SPARKMAN, LLP 121 SW SALMON STREET SUITE 1600 PORTLAND, OR 97204 | | | BONSHOCK, DENNIS G | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2173 | |

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------------------|---|--|
| Office Action Summary | Application No. 09/919,650 | Applicant(s) GUTBERLET ET AL. | |
| | Examiner Dennis G. Bonshock | Art Unit 2173 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 and 42-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 and 42-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Final Rejection

Response to Amendment

1. It is hereby acknowledged that the following papers have been received and placed on record in the file: Amendment as received on 08-09-04.

2. Claims 1-48 have been examined.

Status of Claims:

3. Claims 1-35 and 42-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marmel, "Microsoft project 2000", and Elliott, *An Introduction to Architectural Exploration*.

4. Claims 36-41 have been canceled by the applicant.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-35 and 42-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marmel, "Microsoft project 2000", and Elliott, *An Introduction to Architectural Exploration*.

8. With regard to claim 1, which teaches a method of presenting a schedule including one or more loops, Marmel teaches, on page 8, presenting a schedule including one or more sub elements. With regard to claim 1, further teaching the displaying in a Gantt chart of a top level structure, Marmel teaches, on pages 8, 50, and

51, presenting a schedule in the form of a Gantt chart where the chart can display only the top level structure. With regard to claim 1, further teaching displaying the first loop schedule where timing is presented relative to the first loop schedule, Marmel teaches, on page 263, the 9/3 and 8/27 not being relative to the upper timeline but to its own line. Marmel further teaches, on page 17, the percentages complete being relative the individual sub element. Marmel teaches, on pages 263 and 264, the date labels of the Gantt chart, in figure 9-12 ("8/25", "10/14", "8/27", and "8/18") are not relative to the top level schedule, it is further noted on page 264, that dates are shown in Gantt bars. Marmel, teaches the limitation as cited above, but Elliott teaches a loop structure that more closely resembles that of the claims (see Elliott, Part III, section 3.5 and Part I, in the figure below section 6.5). It would have been obvious to one of ordinary skill in the art, having the teachings of Marmel and Elliott before him at the time the invention was made to modify the Gantt chart of Marmel to include the use of loops as did Elliott. One would have been motivated to make such a combination because program code could be efficiently organized in the structure taught by Marmel.

9. With regard to claim 2, which teaches displaying the first loop schedule hierarchically nests the first loop schedule in the top level structure, Marmel teaches, on pages 6 and 7, the "Interview developers" through the "Write product overview" being hierarchically imbedded within "Product Research."

10. With regard to claim 3, which teaches the top level schedule and first loop schedule including independently numbered sets of control steps, Marmel teaches, on page 263, the 9/3 and 8/27 not being relative to the upper timeline but to its own line.

Marmel further teaches, on page 17, the percentages complete being relative the individual sub element. It is further noted that upon selection of a sub-element in Microsoft Project the time is displayed relative to the sub-element.

11. With regard to claim 4, which teaches the first loop schedule beginning with a control step 0 for non-real operations of the first loop schedule that execute in a clock cycle for a control step of the top-level loop schedule, Marmel further teaches, on page 17, the percentages complete being relative the individual sub element where a sub-element 0 percent is marked with a 0. It is further noted that upon selection of a sub-element in Microsoft Project the time is displayed relative to the sub-element.

12. With regard to claim 5, which teaches the loop comprising a icon summarizing the loop schedule, wherein timing within the top level schedule is presented as independent of the latency of the first loop schedule, Marmel further teaches, in pages 50 and 51, elements containing a icon for displaying when the sub-elements are not expanded.

13 With regard to claim 6, which teaches hiding the first loop schedule responsive to a command from the designer, Marmel further teaches, in pages 50 and 51, elements being able to be hidden upon selection from the user to allow for "various levels of detail".

14. With regard to claims 7, 29, and 32, which teaches displaying a textural list of operations, and displaying an icon adjacent a loop label in the textual list, the icon indicating whether the first loop schedule is expanded or collapsed and allowing for such, Marmel further teaches, in pages 50 and 51, elements being able to be hidden

upon selection from the user to allow for "various levels of detail" where it is known in the art that the collapsing will change the minus next the textual description to a plus.

15. With regard to claim 8, which teaches displaying a second loop schedule for a second loop, wherein timing is relative to the loop, Marmel further teaches, in page 263, sub-elements that have their own sub-elements that have timing relative to the sub-sub-element.

16. With regard to claim 9, which teaches the Gantt chart includes at least one pseudo-operation icon, Elliott teaches, in Part III, section 3.5, the inclusion of pseudo-operations in the Gantt table.

17. With regard to claim 10, which teaches the first loop includes plural alternate branches of execution having different lengths, wherein timing within the first loop is independent of the different lengths, Marmel further teaches, in page 263, sub-elements that have their own sub-elements, but the parent sub elements locally displayed timing (9/) is independent of the time of the different sub elements.

18. With regard to claims 11, 25, 30, and 33, which teach the design tool being a behavioral synthesis tool, Marmel teaches, on pages 8 and 9, a system used for organization and visualization of a series of tasks (Behavioral Synthesis).

19. With regard to claims 12, 26, and 34, which teach the system using a computer readable medium, Marmel further teaches, on page 3, the system being implemented in Microsoft Project, which is known in the art to be used in a computer readable medium.

20. With regard to claim 13, which teaches a design tool for presenting information, Marmel teaches, on page 8, presenting a schedule including one or more sub elements.

With regard to claim 13, further teaching presenting first information for a block of design, the block including a sub-block that includes a number of timing step, Marmel teaches, on page 263 and 264 and in figure 9-12, a top level block ("Conference"), including sub-blocks with independent timing notes ("8/25", "10/14", "8/27", and "8/18") that are not relative to the top level schedule but to their own line. With regard to claim 13, further teaching presenting second information for the sub-block of the design, wherein timing within the block is presented as independent of the number of timing steps of the sub-block, Marmel teaches, on pages 263 and 264, the date labels of the Gantt chart, in figure 9-12 ("8/25", "10/14", "8/27", and "8/18") that are independent of the top level schedule, it is further noted on page 264, that dates are shown in Gantt bars. Marmel, teaches the limitation as cited above, but Elliott teaches a loop structure that more closely resembles that of the claims (see Elliott, Part III, section 3.5 and Part I, in the figure below section 6.5). It would have been obvious to one of ordinary skill in the art, having the teachings of Marmel and Elliott before him at the time the invention was made to modify the Gantt chart of Marmel to include the use of loops as did Elliott. One would have been motivated to make such a combination because program code could be efficiently organized in the structure taught by Marmel.

21. With regard to claim 14, which teaches the block being for a top-level loop, wherein the top-level loop includes a nested loop, and wherein the sub-block is for the nested loop, Marmel teaches, on page 263, this hierarchical arranged structure of elements and sub-elements.

22. With regard to claim 15, which teaches the sub-block being for one of plural alternative branches of execution within the block, Marmel teaches, on page 263, blocks having sub blocks with a plurality of branches.

23. With regard to claim 16, which teaches the first information is a block schedule and the second information is a sub block schedule, Marmel teaches, on page 263, a first information (Initial planning) is a block schedule and a second information (Selection) is a sub block schedule.

24. With regard to claim 17, which teaches the first information being a block schedule and the second information being an icon representing a sub-block schedule, Marmel teaches, on page 263 and on pages 50 and 51) the (Initial planning) which can be displayed expanded, and the (Selection) which can be displayed contracted.

25. With regard to claim 18, which teaches the icon in a clock overhead space of a timing step, Marmel teaches, on page 263 the hierarchy being arranged so that icons representing steps are arranged above and below parent/child steps.

26. With regard to claim 19, which teaches the timing within the sub-block being relative to the sub block, Marmel teaches, on page 263, the timing (9/) within the Selection sub block being independent of the global time.

27. With regard to claim 20, which teaches the timing steps of the sub-block are control steps, and wherein the block and the sub-block including an independently numbered set of control steps, Marmel teaches, on page 263, the timing (8/25) within the Initial planning sub block and the timing (9/) within the Selection sub block being independent of the global time.

Art Unit: 2173

28. With regard to claim 21, which teaches the second information being nested in the first information, Marmel teaches, on page 263, the Initial planning block having the Selection sub block nested in it.

29. With regard to claim 22, which teaches presenting the sub-block schedule in a separate window, Elliott teaches, in part 1, in the figure below section 6.5, the loop being displayed by itself through the "view by loop" command.

30. With regard to claim 23, which teaches the operation labels including one or more sub-block operation labels indented relative to the one or more block operations in the list, Marmel teaches, on page 263, the Initial planning block having the Selection sub block indented under it.

31. With regard to claim 24, which teaches presenting a third information for a sub-block of the design, wherein the second sub-block includes a second number of timing steps, and wherein timing is presented independent of the second sub-block display, Marmel teaches, on page 263, the Initial planning block having the Selection sub block nested in it and the Selection block having a Public relations block imbedded within it, each with there own relative timing; and Marmel teaches, on pages 263 and 264, the date labels of the Gantt chart, in figure 9-12 ("8/25", "10/14", "8/27", and "8/18") are not relative to the top level schedule, it is further noted on page 264, that dates are shown in Gantt bars.

32. With regard to claim 27, which teaches in a design tool, a hierarchical Gantt chart comprising: plural nested schedules for a design, each of the plural nested schedules including: lines of schedule information including ate least one operation icon. Marmel

teaches, on pages 263 and 264, a hierarchical Gantt chart, in figure 9-12, nested elements having independent timings ("8/25", "10/14", "8/27", and "8/18") not relative to the top level schedule, it is further noted on page 264, that dates are shown in Gantt bars. With regard to claim 27, further including a line of control step labels, Marmel teaches, on pages 263 and 264, the date labels of the Gantt chart, in figure 9-12 ("8/25", "10/14", "8/27", and "8/18") are not relative to the top level schedule. It is further noted on page 264, that dates are shown in Gantt bars. With regard to claim 27, further teaching each of the lines including at least one operation icon, Marmel teaches, on page 263, each of the elements having a icon to expand or contract the sub-elements. Marmel, teaches the limitation as cited above, but Elliott teaches a loop structure that more closely resembles that of the claims (see Elliott, Part III, section 3.5 and Part I, in the figure below section 6.5). It would have been obvious to one of ordinary skill in the art, having the teachings of Marmel and Elliott before him at the time the invention was made to modify the Gantt chart of Marmel to include the use of loops as did Elliott. One would have been motivated to make such a combination because program code could be efficiently organized in the structure taught by Marmel.

33. With regard to claim 28, which teaches the parent schedules being in a clock overhead space relative to the child schedules, Marmel teaches, on page 263, the parent schedules being in a clock overhead space relative to the child schedules.

34. With regard to claim 31, which teaches in an electronic circuit or system design tool, a method of presenting a list of operations for an electronic circuit or system design, the method comprising: presenting a top level list of one or more operations for

Art Unit: 2173

the design wherein the top-level list includes a first loop label for a first nested loop, Marmel teaches, on pages 8, 50, and 51, presenting a schedule in the form of a Gantt chart where the chart can display only the top level structure. With regard to claim 31, further teaching displaying the first loop schedule where timing is presented relative to the first loop schedule, Marmel teaches, on page 263, the 9/3 and 8/27 not being relative to the upper timeline but to its own line. Marmel further teaches, on page 17, the percentages complete being relative the individual sub element. Marmel teaches, on pages 263 and 264, the date labels of the Gantt chart, in figure 9-12 ("8/25", "10/14", "8/27", and "8/18") are not relative to the top level schedule, several of the labels match that as is in the top level schedule (such as "10/14"), but others are clearly showing a different time (such as "8/25", "8/27", and "8/18"). It is further noted on page 264, that dates are shown in Gantt bars. Marmel, teaches the limitation as cited above, but Elliott teaches a loop structure that more closely resembles that of the claims (see Elliott, Part III, section 3.5 and Part I, in the figure below section 6.5). It would have been obvious to one of ordinary skill in the art, having the teachings of Marmel and Elliott before him at the time the invention was made to modify the Gantt chart of Marmel to include the use of loops as did Elliott. One would have been motivated to make such a combination because program code could be efficiently organized in the structure taught by Marmel.

35. With regard to claim 35, which teaches in an electronic circuit or system design tool, a method of presenting a list of operations for an electronic circuit or system design, the method comprising: presenting a top level list of one or more operations for the design wherein the top-level list includes a first loop label for a first nested loop,

Marmel teaches, on pages 8, 50, and 51, presenting a schedule in the form of a Gantt chart where the chart can display only the top level structure. With regard to claim 35, further teaching displaying the first loop schedule where timing is presented relative to the first loop schedule, Marmel teaches, on page 263, the 9/3 and 8/27 not being relative to the upper timeline but to its own line. Marmel further teaches, on page 17, the percentages complete being relative the individual sub element. Marmel teaches, on pages 263 and 264, the date labels of the Gantt chart, in figure 9-12 ("8/25", "10/14", "8/27", and "8/18") are not relative to the top level schedule, several of the labels match that as is in the top level schedule (such as "10/14"), but others are clearly showing a different time (such as "8/25", "8/27", and "8/18"). It is further noted on page 264, that dates are shown in Gantt bars. With regard to claim 35, further teaching hiding the first loop schedule responsive to a command from the designer, Marmel further teaches, in pages 50 and 51, elements being able to be hidden upon selection from the user to allow for "various levels of detail". With regard to claim 35, further teaching the presenting an icon adjacent the first loop label, the icon indicating whether a sub-list of one or more operations for the first nested loop is expanded or collapsed, Marmel teaches, on page 263, each of the elements having a icon to expand or contract the sub-elements. Marmel, teaches the limitation as cited above, but Elliott teaches a loop structure that more closely resembles that of the claims (see Elliott, Part III, section 3.5 and Part I, in the figure below section 6.5). It would have been obvious to one of ordinary skill in the art, having the teachings of Marmel and Elliott before him at the time the invention was made to modify the Gantt chart of Marmel to include the use of loops

as did Elliott. One would have been motivated to make such a combination because program code could be efficiently organized in the structure taught by Marmel.

36. With regard to claims 42, 43, and 47, which teach the design tool being an electronic circuit or system design tool, and wherein the design is an electronic circuit or system design, Elliot further teaches, in part 1 page 1, the system used in a register transfer level design tool.

37. With regard to claim 44, which teaches the timing within the block being presented as independent in that the second information is presented within a single timing step of the block regardless of the number of timing steps of the sub-block, Marmel teaches, on pages 263 and 264, the date labels of the Gantt chart, in figure 9-12 ("8/25", "10/14", "8/27", and "8/18") that are independent of the top level timing, several of the labels match that as is in the top level schedule (such as "10/14"), but others are clearly showing a different time (such as "8/25", "8/27", and "8/18"). It is further noted on page 264, that dates are shown in Gantt bars.

38. With regard to claim 45, which teaches the timing steps of the sub-block are presented within the single timing step of the block, Marmel teaches, on pages 263 and 264, the timing of the sub-blocks is presented within the timing interval of the block just not relative to the block timings.

39. With regard to claim 46, which teaches the icon being presented in a scheduling frame that shows allowable locations of the sub-block schedule within the block schedule, Marmel teaches, on page 263, each of the elements having a icon to expand or contract the sub-elements if it is possible for sub-elements to exist there.

40. With regard to claim 48, which teaches the at least one operation icon each represents a scheduled operation, Marmel teaches, on page 263, each of the elements having a icon to expand or contract the sub-elements, where the sub-elements are scheduled operations.

Response to Arguments

41. The arguments filed on 08-09-04 have been fully considered but they are not persuasive. Reasons set forth below.

42. The applicants' argue, with respect to claim 1, that there is no support for the date labels in the Gantt charts ("8/27" and "9/3") being additional calendar lines.

43. In response, the examiner respectfully submits that Marmel teaches, on pages 263 and 264, the date labels of the Gantt chart, in figure 9-12 ("8/25", "10/14", "8/27", and "8/18") are not relative to the top level schedule, several of the labels match that as is in the top level schedule (such as "10/14"), but others are clearly showing a different time (such as "8/25", "8/27", and "8/18"). It is further noted on page 264, that dates are shown in Gantt bars.

44. The applicants' argue that the combination of Marmel and Elliot, stating that it would change the principle of operation.

45. In response, the examiner respectfully submits that the Marmel and Elliot references both teach Gantt charts, where Marmel shows independent timing features, and Elliot shows loop structures in the Gantt chart, where a combining of these features in a new Gantt chart would be an obvious modification.

46. The applicants' argue that Marmel doesn't teach the dates on the Gantt bars not being relative to the upper timeline but to its own line.

47. In response, the examiner respectfully submits that Marmel teaches, on pages 263 and 264, the date labels of the Gantt chart, in figure 9-12 ("8/25", "10/14", "8/27", and "8/18") are not relative to the top level schedule, several of the labels match that as is in the top level schedule (such as "10/14"), but others are clearly showing a different time (such as "8/25", "8/27", and "8/18"). It is further noted on page 264, that dates are shown in Gantt bars.

48. The applicants' argue that the percentage complete feature provides status information entered by a manager of worker, not timing information.

49. In response, the examiner respectfully submits that though the independent timing has already been proven above, this citation (Marmel page 17 and figure 1-7) was further relied upon to prove the Gantt bar independence and further information relative to an individual element

50. The applicants' argue that there is no precise location listed for the statement "upon selection of a sub-element in Microsoft Project the time is displayed relative to the sub-element."

51. In response, the examiner respectfully submits that this was learned through use of Microsoft Project, and was added to clarify the use of Microsoft Project as used by the Marmel reference.

52. The applicants' argue that Marmel and Elliott don't teach each of the top-level schedule and first loop schedule includes an independently numbered set of control steps.

53. In response, the examiner respectfully submits that Marmel teaches, on page 263, the 9/3 and 8/27 not being relative to the upper timeline but to its own line. Marmel further teaches, on page 17, the percentages complete being relative the individual sub element, where both of these show and independence from the first loop schedule.

54. The applicants' argue that Marmel and Elliott don't teach the first loop schedule begins with a control step 0 for non-real operations of the first loop schedule that execute in a clock cycle for a control step of the top-level loop schedule.

55. In response, the examiner respectfully submits that Marmel further teaches, on page 17, the percentages complete being relative the individual sub element where a sub-element 0 percent is marked with a 0.

56. The applicants' argue that Marmel and Elliott don't teach timing within the first loop being independent of the different lengths of the plural branches.

57. In response, the examiner respectfully submits that Marmel further teaches, in page 263, sub-elements that have there own sub-elements, but the parent sub elements locally displayed timing (9/) that is independent of the time of the different sub elements, showing the displayed lines don't have to be as long as their durations.

58. The applicants' argue that Marmel teaches timing within the top level schedule being presented as independent of latency of the first loop schedule.

59. In response, the examiner respectfully submits that Marmel teaches, on pages 263 and 264, the date labels of the Gantt chart, in figure 9-12 ("8/25", "10/14", "8/27", and "8/18") are not relative to the top-level schedule. It is further noted on page 264, that dates are shown in Gantt bars.

60. The applicants' argue, with regard to claim 13, that Marmel and Elliot don't teach presenting second information for the sub-block of the design, wherein timing within the block is resented as independent of the number of timing steps of the sub-block.

61. In response, the examiner respectfully submits that Marmel teaches a sub-block timing that is independent of the block timing, see Marmel pages 263 and 264, that teach date labels of the Gantt chart, in figure 9-12 ("8/25", "10/14", "8/27", and "8/18") not being relative to the top level schedule. Several of the labels match that as is in the top level schedule (such as "10/14"), but others are clearly showing a different time (such as "8/25", "8/27", and "8/18"). It is further noted on page 264, that dates are shown in Gantt bars.

62. The applicants' argue that Marmel and Elliot teach don't teach timing within the block being presented as independent of the number of timing steps of the sub-block.

63. In response, the examiner respectfully submits that that Marmel teaches, on pages 263 and 264, the date labels of the Gantt chart, in figure 9-12 ("8/25", "10/14", "8/27", and "8/18") are not relative to the top level schedule, several of the labels match that as is in the top level schedule (such as "10/14"), but others are clearly showing a different time (such as "8/25", "8/27", and "8/18"). It is further noted on page 264, that dates are shown in Gantt bars.

Art Unit: 2173

64. The applicants' argue that, with respect to claims 19 and 20, Marmel doesn't teach timing within the sub-block is presented relative to the sub-block, and each block having independently numbered control steps.

65. In response, the examiner respectfully submits that Marmel teaches, on pages 263 and 264, the date labels of the Gantt chart, in figure 9-12 ("8/25", "10/14", "8/27", and "8/18") are not relative to the top level schedule (independently numbered), several of the labels match that as is in the top level schedule (such as "10/14"), but others are clearly showing a different time (such as "8/25", "8/27", and "8/18"). It is further noted on page 264, that dates are shown in Gantt bars.

66. The applicants' argue that, with respect to claim 27, Marmel doesn't teach the control step labels.

67. In response, the examiner respectfully submits that Marmel teaches, in figure 9-11, each of the elements in the Gant chart having its own defining label.

Conclusion

68. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

69. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 2173

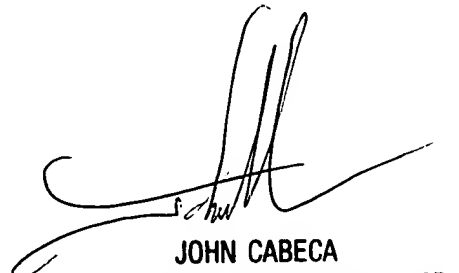
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

70. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571) 272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

71. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

72. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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